



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Education Act 16 of 2001
section 81(5)

Regulations on the Education of Deviate Children

Government Notice 64 of 1964

(OG 2546)

came into force on 15 December 1963

The Regulations relating to the Education of Deviate Children were originally made in terms of section 117 of the Education Ordinance 27 of 1962, which was repealed by section 83 of the Education Act 16 of 2001. Pursuant to section 81(5) of the Education Act 16 of 2001, the Regulations relating to the Education of Deviate Children are deemed to have been made under that Act.

ARRANGEMENT OF REGULATIONS

[Most of the individual regulations have no headings.]

SCHEDULE A

SCHEDULE B

1. Whenever a competent officer deems it necessary to conduct a medical or mental examination of a child under the provisions of subsection (1) of section *eighty-one* of the ordinance he may permit the parent of such child, accompanied by such parent's medical practitioner, to attend such examination.

2. The form to be used by a competent officer when making a report to the Director in terms of subsection (3) of section *eighty-one* of the ordinance shall be as prescribed in schedule A.

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3. The form to be used by the Department when informing the parent in terms of subsection (4) of section *eighty-one* of the ordinance of its decision shall be as prescribed in schedule B.

4. (1) If a parent wishes to appeal against the decision of the Director under the provisions of paragraph (b) of subsection (4) of section *eighty-one* of the ordinance he shall do so within thirty days of the date of notification of such decision, substantially in the following form -

“To the Honourable the Administrator,
WINDHOEK.
Sir,

I have been informed by the Education Department that the Director of Education has decided that my child (name) is a deviate and should receive special instruction.

I respectfully appeal to you against this decision and request that you declare it null void for the following reasons -

.....
.....
.....

.....
Signature of parent.”

(2) An appeal in whatever form shall be lodged with the Administrator within thirty days of the date of issue of the notice to the parent under the provisions of regulation *three*.

(3) After consideration of an appeal lodged with him under the provisions of subregulation (2) the Administrator’s decision thereon shall be communicated to the parent.

5. Where a pupil is transferred or admitted to a special school with the consent of the parent, the provisions of section *eighty-six* of the ordinance shall apply to such pupil and the parent shall not remove him from such school without the Director’s permission.

Interpretation of the regulations

6. If there should be any doubt as to the interpretation of these regulations the Director shall decide thereon and such decision shall be final.

Deviation in time of war and national emergency

7. If a state of war or national emergency arises the Administrator may approve a deviation from the provisions of these regulations.

Commencement of regulations

8. These regulations shall come in to force on the 15th December, 1963.

SCHEDULE A.

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STRICTLY CONFIDENTIAL.

File Number

DEPARTMENT OF EDUCATION.

SPECIAL EDUCATION - REPORT ON INDIVIDUAL PUPILS.

(form prescribed for the purpose of subsection (3) of section eighty-one of the Education Ordinance, 1962).

Director of Education,
Education Department,
WINDHOEK.

I, the undersigned, being a competent officer duly appointed in terms of the Education Ordinance, 1962, do hereby state that
was examined by me on
at for the purpose of determining whether he/she*,
is a deviate child. He/She* was referred to me by

As a result of the examination I find that he/she* is

- *(i) mentally deviate
(ii) deviate in behaviour
(iii) physically deviate
(iv) scholastically retarded
(v) speech defective
(vi) blind
(vii) deaf
(viii) hard of hearing
(ix) (other)

After testing I found his/her* Intelligent Quotient to be
on the scale

The parent was present/not present* when the child was examined by me.

The principal's report on the child is subjoined.

I recommend that he/she* be transferred to the
(state name of special school or class) with effect from

Date

Competent Officer

REPORT OF PRINCIPAL ON DEVIATE PUPIL.

- 1. Name of pupil:
2. Date of birth:
Age: years months
3. Sex: *Boy/Girl.
4. Home language: *Afrikaans, English, Afrikaans and English. Name others
5. Progress at present time: *Good, average, weak, very weak.
6. Medium of Instruction:
7. Will pupil pass this year on merit? *Yes, Doubtful, No.
8. Is pupil in hostel (Yes or No)
9. Specific scholastic difficulties: *Arithmetic, Reading, Spelling, Memory Work.
Name other difficulties
10. Record of Progress during the past five years:

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Year	19	19	19	19	19
School					
Standard					
Classification					
School attendance					

11. *Scholastic achievement:*

First language	of	out	of	out	of	out	of	out	of	out
Second language	of	out	of	out	of	out	of	out	of	out
Arithmetic	of	out	of	out	of	out	of	out	of	out
Av. % (all subjects)		%		%		%		%		%
Av. % of Class		%		%		%		%		%

12. (a) *Parent's name:*

(b) *Address:*

Tel. No.

(c) *Occupation:*

(d) *Financial circumstances:* *Good, satisfactory, poor.

(e) *Family relationship:* *Good, indifferent, broken, parents divorced, state other

(f) *Attitude of parents to child:* *Satisfactory, very strict inconsistent, antagonistic, slack, indifferent, indulgent, other

(g) *Deviates in family* (e. g. mother mentally defective, sister in special class, father in institution)

(h) *Attitude of parent to transfer of child:*

* (i) Urges transfer;

(ii) Satisfied with transfer;

(iii) May be persuaded;

(iv) Antagonistic.

13. *Physical condition of pupil* (consult medical card):

(i) What illnesses or diseases has he/she* had in the past

(ii) From what illnesses or diseases is he/she* suffering now

(iii) Visual acuity *good, poor, blind (refer to both eyes)

(iv) Auditory acuity: *good, hard-of-hearing, deaf (refer to both ears)

(v) Other physical defects: *spastic, epileptic, speech defective, malnutrition, other

14. *Personality traits:*

	<i>Very good or Strong</i>	<i>Good or Strong</i>	<i>Average</i>	<i>Poor or Weak</i>	<i>Very Poor or Very weak</i>
Co-operation
Domination
Aggressiveness

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Irritability
Self-control
Nervousness
Independence
Reliability
Honesty
Deftness	.....	.....	.....	.....	.....
Muscular	.....	.....	.....	.....	.....
Co-ordination	.....	.....	.....	.....	.....
Perseverance	.....	.....	.....	.....	.....
Obedience	.....	.....	.....	.....	.....
Diligence	.....	.....	.....	.....	.....
Neatness	.....	.....	.....	.....	.....
Politeness	.....	.....	.....	.....	.....

Any other significant personality deviation, nature and degree

N. B. - Put an X below the appropriate description of each of the above traits.

15. *Principal's recommendation:*

- *(i) Transfer to a special school or class for mentally deviate pupils.
- (ii) Exclusion - inducible.
- (iii) Suspension.
- (iv) Other.

(Please motivate your recommendations on a separate sheet.)

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.....

.....

.....
Signature of Principal.

.....
School

Date

16. *Decision of Director of Education:*

.....

.....

.....

.....

.....

Date

.....
Director of Education

* Underline whichever is applicable.

SCHEDULE B.

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To

.....

.....

Dear Parent,

You are informed under subsection (4) of section *eighty-one* of the Education Ordinance, 1962, that the Director of Education has had your child properly examined by a competent officer and that, as a result of such examination, the Director has found your child to be -

.....

- (1) mentally deviate
- (2) deviate in behaviour
- (3) physically deviate
- (4) scholastically retarded
- (5) speech defective
- (6) blind
- (7) deaf
- (8) hard of hearing

and that the Director has declared him/her deviate in this respect.

The implication of this is that your child cannot derive sufficient benefit from the instruction in the ordinary class, while he/she will be taught more effectively in an opportunity class/school as instruction there has been specifically modified to answer to his/her needs.

You may appeal in writing to the Administrator against this decision within thirty days after the date of this notice and the Administrator's decision will be final.

Unless the Director's decision is reversed on appeal or you yourself take steps to provide suitable instruction for your said child within thirty days after the date of this notice, the child may, under the provisions of the said ordinance, be sent by the Director to a suitable special class/school/home after the expiry of the said period.

Yours faithfully,
for Director of Education.